

**VAN HOVEN DECL.
ISO OPPOSITION TO INTUITIVE'S
MOTION TO REOPEN DISCOVERY**

EXHIBIT 2

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

5 SURGICAL INSTRUMENT SERVICE)
COMPANY, INC.,) Case No. :
) 3:21-cv-03496-VC
6 Plaintiff,)
) Lead Case No. :
7 vs.) 3:21-cv-03825-VC
)
8 INTUITIVE SURGICAL, INC.,)
)
9 Defendant)
-----)
10 IN RE: DA VINCI SURGICAL ROBOT)
ANTITRUST LITIGATION)
-----)
11 THIS DOCUMENT RELATES TO:)
12 ALL ACTIONS)
-----)

*** CONFIDENTIAL ATTORNEYS EYES ONLY ***

30(b)(6) DEPOSITION OF:

KEITH ROBERT JOHNSON

THURSDAY, OCTOBER 27, 2022

9:06 a.m. Mountain Standard Time

REPORTED BY:

Vickie Blair

CSR No. 8940, RPR-CRR

JOB NO. 5539883

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1 Deposition of KEITH ROBERT JOHNSON, the witness, taken
2 on behalf of the Defendant, on Thursday,
3 October 27, 2022, 9:06 a.m. Mountain Standard Time,
4 before VICKIE BLAIR, CSR No. 8940, RPR-CRR.

5 APPEARANCES OF COUNSEL VIA ZOOM:

6
7 FOR PLAINTIFF/COUNTER-DEFENDANT SURGICAL INSTRUMENT
8 SERVICE CO. INC.:

9
10 HALEY GUILIANO LLP
11 BY JOSHUA VAN HOVEN, Partner
12 111 North Market Street, Suite 900
13 San Jose, California 95113
14 +1 669 213 1061
15 joshua.vanhoven@hglaw.com

16 FOR DEFENDANT INTUITIVE SURGICAL, INC.:

17 COVINGTON & BURLING LLP
18 BY ISAAC D. CHAPUT, Associate
19 415 Mission Street
20 Suite 5400
21 San Francisco, California 94105-2533
22 +1 415 591 7020
23 ichaput@cov.com
24 COVINGTON & BURLING LLP
25 BY AUSTIN S. MARTIN, Associate
One CityCenter
850 Tenth Street, NW
Washington, D.C. 20001-4956
+1 202 662 5094
amartin@cov.com

*** CONFIDENTIAL ATTORNEYS EYES ONLY ***

1 APPEARANCES OF COUNSEL VIA ZOOM: (Continued)

2 FOR THE PROPOSED CLASS:

3 BONI, ZACK & SNYDER LLC

4 BY JOSHUA D. SNYDER, Partner

5 15 St. Asaphs Road

6 Bala Cynwyd, Pennsylvania 19004

7 (610) 822-0203

8 (610) 822-0206

9 jsnyder@bonizack.com

10

11 ALSO PRESENT:

12 13 RAMON A. PERAZA, Videographer

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1	I N D E X		
2			
3	WITNESS	EXAMINATION	PAGE
4	KEITH ROBERT JOHNSON		
5		(MR. CHAPUT)	7
6			
7			
8		INFORMATION REQUESTED	
9		None	
10			
11			
12	QUESTIONS INSTRUCTED BY COUNSEL NOT TO ANSWER		
13		None	
14			
15		E X H I B I T S	
16	EXHIBIT NO.	PAGE	DESCRIPTION
17	Exhibit 135	10	Defendant Intuitive Surgical, Inc.'s Notice of Deposition of Plaintiff Surgical Instrument Service Company, Inc., Pursuant to Fed. R. CIV. P. 30(b)(6)
18			
19			
20			
21			
22	Exhibit 136	57	Email chain with attachments, Bates numbers SIS095115 through SIS095139
23			
24			
25			

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1 testing process? 10:06:18

2 A I'm not involved in the engineering and 10:06:18

3 the technical side of that, so what I'm personally 10:06:26

4 providing is more of a customer feedback, customer 10:06:29

5 thoughts, customer interest in that program, and what 10:06:35

6 it would mean to health care. 10:06:38

7 Q Describe for me the customer feedback and 10:06:39

8 customer thoughts, customer interests in that program, 10:06:47

9 please. 10:06:50

10 A How much time do we have? 10:06:50

11 Q Describe it at a high level to start with, 10:06:54

12 and we can -- 10:06:58

13 A Since this program started, the interest 10:07:01

14 from the hospital is monumental, through the roof. 10:07:03

15 The -- the interest in saving and reducing costs on 10:07:11

16 robotic surgery in the industry is something I've never 10:07:15

17 seen before in my 25 years of being in the surgical 10:07:17

18 business. 10:07:22

19 Q What hospitals have you spoken with about 10:07:23

20 the Xi program? 10:07:27

21 A Would you like me to list them? 10:07:29

22 Q Yes, please. 10:07:35

23 A This will be from the top of my head, so 10:07:36

24 I'll do the best I can, but well over -- the meetings 10:07:40

25 that we've had represent well over a thousand 10:07:46

*** CONFIDENTIAL ATTORNEYS EYES ONLY ***

1 hospitals, probably. 10:07:48

2 Facility level, I'll just start to kind of 10:07:53

3 name them off regionally. Legacy Health system in 10:07:56

4 Portland, Oregon; Providence health system in the West 10:08:00

5 Coast; Sutter Health; Kaiser Permanente; memorial care; 10:08:04

6 the UC system in California; Banner Health System; 10:08:16

7 Honor Health; Baylor Scott & White in Texas; the 10:08:21

8 university health systems across the country, from 10:08:31

9 Michigan to Duke to North Carolina; Mayo Clinic; 10:08:35

10 Cleveland Clinic; Advocate Aurora; Lahey Health System; 10:08:50

11 Boston Children's Medical Center. 10:08:55

12 I can't believe I'm remembering all this 10:08:57

13 off the top of my head. 10:09:00

14 Piedmont health system, Grady in Atlanta, 10:09:02

15 Johns Hopkins. 10:09:13

16 That's the bulk of the direct hospitals 10:09:14

17 that I can recall having direct conversations with; 10:09:25

18 there's obviously much more than that. 10:09:27

19 And then, in addition to that, all the 10:09:29

20 Vizient conversations we've had, I've presented to all 10:09:33

21 four regions of Vizient, which basically covers well 10:09:41

22 over 2,000 hospitals in the United States. 10:09:45

23 Q Have you spoken with any of those 10:09:48

24 hospitals about the need for an EndoWrist repair 10:10:09

25 program to have FDA clearance? 10:10:11

*** CONFIDENTIAL ATTORNEYS EYES ONLY ***

1 A I don't know if I understand what you're 10:10:20
2 asking me. 10:10:21
3 Q Have any of those hospitals told you that 10:10:22
4 they would be willing to purchase EndoWrist repair 10:10:29
5 services that were not cleared by the FT -- FDA? 10:10:33
6 MR. VAN HOVEN: Objection to form. 10:10:40
7 MR. SNYDER: Objection to form. 10:10:42
8 THE WITNESS: So I've been in the repair 10:10:42
9 business for well over 20 years, repairs don't require 10:10:44
10 FDA clearance, and to my recollection, nobody in any of 10:10:49
11 my conversations every brought up FDA clearance on the 10:10:58
12 repair. 10:11:01
13 BY MR. CHAPUT: 10:11:02
14 Q Does the Xi -- maybe let's -- let's step 10:11:02
15 back. 10:11:05
16 Does the Xi repair business that SIS is 10:11:06
17 exploring with Restore involve extending the number of 10:11:12
18 lives that an EndoWrist can be used for? 10:11:18
19 A We are currently working on developing a 10:11:20
20 program to extend the life of Xi instruments. 10:11:31
21 Q And is that the program that you have 10:11:34
22 spoken with hospitals about? 10:11:36
23 A The initial conversations we had with 10:11:47
24 hospitals was around the repair program of Si. 10:11:49
25 We then went to our recovery program, 10:11:57